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April 20, 2020

Re: *Delos Reyes v. Abundant Nursing, Inc. et al*, 19 Civ. 02596 (E.D.N.Y.)
(AMD) (RLM)

Dear Judge Mann:

We represent Plaintiff Mark Delos Reyes (“Mr. Delos Reyes” or “Plaintiff”) in the above-captioned action. As we previously informed the Court [ECF No. 41], we have reached a confidential settlement of Plaintiff’s claims against defendant Macdonald S. Tudeme (“Defendant Tudeme”). Pursuant to the Court’s April 16, 2020 Order [ECF No. 47], we were prepared to submit a stipulation of dismissal today with respect to Defendant Tudeme. Though Plaintiff’s counsel and Defendant Tudeme have agreed to sign the stipulation of dismissal, counsel for Defendant EllenGrace Flores (“Defendant Flores”) refuses to do so. As a stipulation of dismissal requires the signatures of all parties who have appeared under Federal Rule 41(a)(1), we respectfully request that the Court dismiss Defendant Tudeme under Federal Rule 41(a)(2) with prejudice via the attached proposed order.

Good cause exists to dismiss Defendant Tudeme from this lawsuit. Public policy favors the voluntary settlement of legal claims, and dismissing Plaintiff’s claims against Defendant Tudeme with prejudice due to settlement is consistent with such public policy. *See* Fed. R. Civ. Pro. 1 (the Federal Rules of Civil Procedure “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action”); *see also Carson Optical, Inc. v. Hawk Importers, Inc.*, 2013 WL 5740452, at *4 (E.D.N.Y. Oct. 10, 2013) (“The law strongly encourages settlement of disputes,” which is “consistent with the dictates of Rule 1 of the Federal Rules of Civil Procedure”). Plaintiff has previously settled claims with former defendant George L. Magno, who has likewise been dismissed from this action. Defendant Flores should not be allowed to frustrate the efficient and fair administration of justice by refusing to sign a stipulation of dismissal with respect to another party.

We appreciate Your Honor's consideration and are available to discuss this matter at Your Honor's convenience.

Respectfully submitted,

/s/ Shefali Singh
Shefali Singh

Hon. Roanne L. Mann
United States Magistrate Judge
United States District Court for the Eastern District of New York
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VIA ECF

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